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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,132	07/25/2001	Francis A. Perras JR.	426882000700	8225

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ACCENTURE C/O MORRISON & FOERSTER
755 PAGE MILL ROAD
PALO ALTO, CA 94304

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,132

Applicant(s)

PERRAS ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-14 are presented for examination.

Claim Objections

2. Claim 8 is objected to because of the following informality:

Claim 8, line 3, delete “ . ”, insert -- : --

Appropriate correction is required.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code (e.g., see page 4). See MPEP § 608.01.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 12 recite “work complete data budget and actual, and project dollars data, budget and actual.” It is not clear whether or not “budget and actual” are

Art Unit: 3623

describing the "work complete data" and the "project dollars data" or whether "budget" functions as a noun that is separate from the "work complete data" and the "project dollars data." For examination purposes, "work complete data budget and actual, and project dollars data, budget and actual" will be interpreted as "budgeted and actual data related to the work completed" and "budgeted and actual data related to the project dollars."

Appropriation correction and/or clarification is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Mui et al. (US 2003/0229529 A1).

Mui discloses a data processing apparatus configured to provide data analysis to assist a business entity in improving operations relative to specified business metrics, the apparatus comprising:

[Claim 1] at least one database system containing operations data related to the business entity (¶¶ 169-199, 220);

a first computer mechanism, electronically coupled to at least one database system, the first computer mechanism containing a set of performance metric tools, for use in measuring specified business operations (Figs. 24, 27; ¶¶ 169-199, 220, 1287-1409);

a second computer mechanism, electronically coupled to the at least one database system, containing a set of management tools configured to produce data to assist the business entity in self measurement, metric comparisons, and strategic plans development through the use of data contained in the at least one database system (Figs. 24, 27; ¶¶ 169-199, 220, 1213-1243, 1287-1409); and

the performance metric tools and the management tools are configured to be accessible by a web-based client computer whereby information pertaining to a specific business entity management project may be accessed from the web-based client computer (¶¶ 41, 44);

[Claim 2] a third computer mechanism electronically coupled to the at least one database system, the third computer mechanism configured to contain a set of tools for workforce planning and analysis, with a companion set of learning tools to provide strategic employee development assistance recommendations, whereby the business entity is provided recommendations for optimizing its operations with respect to the specific business metrics (¶¶ 169-199, 220, 1213-1243, 1287-1409);

[Claim 3] wherein the at least one database system contains data related to one or more data centers which contain respectively data pertaining to knowledge operations,

Art Unit: 3623

planning operations, contribution functions, information functions, and lifestyle functions (¶¶ 1213-1243, 1287-1409);

[Claim 4] wherein the data center pertaining to knowledge operations comprises one or more data functions for viewing, manipulating, graphing or downloading data pertaining to one or more of Program Management/Financial data, Capability Development Status data, Capability Deployment Status data, Business Benefits status data, or Project Open Issues data (Figs. 24, 27; ¶¶ 1213-1409);

[Claim 5] wherein the Program Management/Financial data comprises work complete data, budget and actual, and project dollars data, budget and actual (Figs. 24, 27; ¶¶ 1289-1301, 1330-1331 -- Goals can be financially-based, quality-based, etc. For example, “budgeted data” is equivalent to Mui’s goals and “actual data” is equivalent to Mui’s calculation of progress in relation to the established goals. In Fig. 27, the goal to “increase unit profitability by 20%” and the goal to “increase support revenues by 50,000 USD” are financial goals and exemplify the claimed “project dollar data, budget and actual.” Also in Fig. 27, the goal to “decrease product defects by 30%” is a quality-related goal and it exemplifies the claimed “work complete data, budget and actual”).

[Claims 6-14] Claims 6-14 recite limitations already addressed by the rejection of claims 1-5 above; therefore, the same rejection applies.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna Diaz
Susanna M. Diaz
Primary Examiner
Art Unit 3623
January 11, 2004